

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THE GENERAL HOSPITAL  
CORPORATION and DANA-FARBER  
CANCER INSTITUTE, INC.,

Plaintiffs,

ESOTERIX GENETIC LABORATORIES,  
LLC, and LABORATORY  
CORPORATION OF AMERICA  
HOLDINGS,

Defendants.

Civil Action No. 18-cv-11360-IT

**NOTICE OF APPEAL**

Notice is hereby given that Defendant Esoterix Genetic Laboratories, LLC (“Defendant” or “Esoterix”) in the above named case, hereby appeals to the United States Court of Appeals for the First Circuit from the Judgment entered in this action on the 26th day of October, 2020 (“Judgment”) and the Memorandum and Order, dated September 4, 2019 (“Order”), incorporated by reference in the Judgment. Defendant appeals the enumerated paragraph 1 of the Judgment, which ORDERED and ADJUDGED as follows:

1. Judgment is hereby entered in favor of Plaintiffs and against Defendant Esoterix as to Count I (Breach of Contract) and Count IV (Accounting/Injunctive Relief) in the sum of \$1,291,427.13, plus pre-judgment interest and post-judgment interest at the rate set forth in Section 4.8 of the Exclusive License Agreement between Plaintiffs and Defendant Esoterix, dated May 2, 2005, and without costs.

Defendant further appeals the Judgment insofar as it incorporates the Order denying Defendant’s Motion to Dismiss as to the following counts of the Second Amended Complaint: (i) Count I alleging breach of contract against Esoterix; and (ii) Count IV seeking an audit and accounting against Esoterix.

Dated: November 25, 2020

/s/ Christopher R. Howe

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James M. Campbell (BBO# 541882)  
Christopher R. Howe (BBO# 652445)  
Campbell Conroy & O'Neil, P.C.  
One Constitution Center, 3<sup>rd</sup> Floor  
Boston, MA 02129  
(617) 241-3041  
jmcampbell@campbell-trial-lawyers.com  
chowe@campbell-trial-lawyers.com

Robert I. Steiner (admitted *pro hac vice*)  
Jaclyn M. Metzinger (admitted *pro hac vice*)  
Kelley Drye & Warren LLP  
101 Park Avenue  
New York, NY 10178  
(212) 808-7800  
rsteiner@kelleydrye.com  
[jmetzinger@kelleydrye.com](mailto:jmetzinger@kelleydrye.com)

*Counsel for Defendants Esoterix Genetic  
Laboratories, LLC and Laboratory  
Corporation of America Holdings*

**CERTIFICATE OF SERVICE**

I, Christopher R. Howe, certify that on November 25, 2020, I filed the foregoing Notice of Appeal on the Court's CM/ECF system, which will electronically serve all counsel of record in this case.

/s/ Christopher R. Howe  
Christopher R. Howe